



**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

09/18/19  
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Order Instituting Rulemaking to  
Implement Electric Utility Wildfire  
Mitigation Plans Pursuant to  
Senate Bill 901 (2018).

Rulemaking 18-10-007

**ASSIGNED COMMISSIONER'S  
SCOPING MEMO AND RULING FOR PHASE 2**

**Summary**

Phase 2 of this Wildfire Mitigation Plan proceeding will focus on metrics to evaluate the electric utilities' wildfire mitigation efforts and ensure the utilities are actually reducing the risk of catastrophic wildfires caused by utility equipment in California. Other topics in Phase 2 will include the impact of Assembly Bill (AB) 1054 (2019) and AB 111 (2019), which change the process for submitting and evaluating utility Wildfire Mitigation Plans, and possible additions to the in-language community outreach requirements adopted in Phase 1.

This scoping memo and ruling sets forth the category, issues to be addressed, and schedule of the proceeding pursuant to Public Utilities (Pub. Util.) Code § 1701.1 and Article 7 of the Commission's Rules of Practice and Procedure.

**1. Procedural Background**

On May 30, 2019, the Commission issued decisions<sup>1</sup> finding that the Wildfire Mitigation Plans (WMP) of the state's electric Investor Owned Utilities

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<sup>1</sup> Decision (D.) 19-05-036, D.19-05-037, D.19-05-038, D.19-05-039, D.19-05-040 and D.19-05-041.

(IOU) and Independent Transmission Owners (ITO)<sup>2</sup> contained the elements required by Senate Bill (SB) 901 (2018), Pub. Util. Code § 8386(c). The decisions left open several issues, as summarized in the ruling initiating Phase 2.<sup>3</sup>

The IOUs addressed data and metrics in accordance with the Phase 1 decisions and the Phase 2 Ruling on July 30, 2019, and all parties filed additional comments on Phase 2 issues on August 21, 2019. A prehearing conference (PHC) on Phase 2 took place on August 28, 2019.

## **2. Scope**

The scope of Phase 2 of the proceeding is based upon the original Order Instituting Rulemaking (OIR), the May 30, 2019 decisions, the Phase 2 Ruling, comments on Phase 2 issues, and statements at the August 28, 2019 PHC. Based on this material, the scope of Phase 2 is as follows:

1. *Evaluation and enforcement.*
  - A. *Metrics and data.* Development of metrics for evaluating effectiveness of WMP mitigation work at reducing the risk and incidence of catastrophic wildfire, along with determination of necessary data collection and reporting to support those activities;
  - B. *Independent evaluation.* The process, selection and tasks of independent evaluators pursuant to Pub. Util. Code § 8386.3(c)(2).
  - C. *Status.* 2019 WMP implementation and progress, with information on delays, problems and challenges.

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<sup>2</sup> Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), San Diego Gas & Electric Company (SDG&E), Liberty Utilities/CalPeco Electric (Liberty), Bear Valley Electric Service, a division of Golden State Water Company (Bear Valley), Pacific Power, a division of PacifiCorp (PacifiCorp), Trans Bay Cable LLC and NextEra Energy Transmission West, LLC., now known as Horizon West Transmission LLC.

<sup>3</sup> Assigned Commissioner and Administrative Law Judge's Ruling Launching Phase 2 of the Wildfire Mitigation Plan Proceeding, June 14, 2019 (Phase 2 Ruling).

- D. *Enforcement.* Development of processes for enforcement of WMPs as appropriate.
2. *In-language outreach.* Examination of whether and how to expand on the languages adopted in the Phase 1 decisions, for the outreach required by Pub. Util. Code § 8386(c)(16)(B).
  3. *PG&E Second Amended Plan.* As appropriate, analysis of PG&E's Second Amended 2019 WMP, submitted too late for consideration in Phase 1.
  4. *Statutory change.* Consideration of changes to the WMP process brought about by AB 1054 and AB 111. As noted below, answers to many process and timing questions parties have raised appear in the statutory language.

### **3. Evidentiary Hearings**

At the Phase 2 PHC, one party raised the need for evidentiary hearings in this proceeding. As for Phase 1, any party that believes a hearing is required must make a motion requesting evidentiary hearings consistent with the schedule set forth below, and must include the following information: i) the material issues of disputed fact to be addressed in hearings, (ii) the evidence the party proposes to introduce, (iii) the specific provisions of the utility plan to be addressed in hearings, and (iv) the amount of time requested for hearings. The motion shall also state a justification for hearings and what the moving party would seek to demonstrate through hearings. Responses to motions requesting evidentiary hearings may be filed consistent with the schedule set forth below.

#### 4. Schedule

The schedule for Phase 2 is:

##### **Common Schedule (with or without hearings)**

EVENT	DATE
List of all parties' proposed metrics served and filed	September 6, 2019
IOU PowerPoint presentations on status of 2019 WMPs, including delays, problems and challenges, circulated to service list	September 10, 2019
Workshops on metrics, evaluation, future process, in-language communication, status of 2019 WMP implementation, PG&E second amended WMP (details forthcoming)	September 17-18-19, 2019 CPUC Auditorium 505 Van Ness Avenue San Francisco, 94102
Ruling seeking comment on workshop topics	October 9, 2019
Comments on workshop topics, and motions for evidentiary hearings filed and served	October 30, 2019
Reply comments on workshop topics and responses to motions for evidentiary hearings filed and served	November 13, 2019

##### **Remaining Schedule with Hearings (if ordered)**

EVENT	DATE
Intervenor testimony served	December 3, 2019
Evidentiary hearings	Start December 9, 2019
Concurrent opening briefs/comments	TBD
Concurrent reply briefs/comments	TBD

Based on this schedule, the proceeding will be resolved within 18 months as required by Pub. Util. Code § 1701.5. This schedule may be modified by the assigned Administrative Law Judges (ALJs) or Commissioner as needed to promote the efficient and fair resolution of this proceeding.

All parties should familiarize themselves with both AB 1054 and AB 111, since they change the way WMPs will be handled in the future. Changes include:

- Establishment by January 1, 2020 of a new Wildfire Safety Division within the CPUC in Sacramento, Pub. Util. Code § 326(a), and transfer of the Wildfire Safety Division to a new Office of Energy Infrastructure Safety within the state's Natural Resource Agency on July 1, 2021, Pub. Util. Code § 326(b);
- Formation by January 1, 2020 of a 7-member California Wildfire Safety Advisory Board, Pub. Util. Code §§ 326.1(a). The Board shall develop and make recommendations to the Wildfire Safety Division related to wildfire safety and mitigation performance metrics and the contents of wildfire mitigation plans, Pub. Util. Code §§ 326.2(a) and (b);
- Wildfire Safety Division review of WMPs with Commission ratification, rather than a formal proceeding, Pub. Util. Code §§ 8386(b) & 8386.3(a);
- A three-year cycle for submission of WMPs starting with the 2020 WMPs, Pub. Util. Code § 8386(b); and
- The three-month deadline for review of the Plans that was applicable in Phase 1 of this proceeding also applies to Wildfire Safety Division review of future WMPs (unless extended). Pub. Util. Code § 8386.3(b).

## **5. Category of Proceeding/*Ex Parte* Restrictions**

This ruling confirms the Commission's previous determinations in the OIR and in the scoping memo issued on December 7, 2018, that this is a ratesetting proceeding. Accordingly, *ex parte* communications are restricted and must be reported pursuant to Article 8 of the Commission's Rules of Practice and Procedure.

## **6. Public Outreach**

Pursuant to Pub. Util. Code § 1711(a), I hereby report that the Commission sought the participation of those likely to be affected by this matter. Extensive

outreach on this proceeding is summarized in the initial scoping memo issued on December 7, 2018.

## **7. Public Advisor**

Any person interested in participating in this proceeding who is unfamiliar with the Commission's procedures or has questions about the electronic filing procedures is encouraged to obtain more information at <http://consumers.cpuc.ca.gov/pao/> or contact the Commission's Public Advisor at 866-849-8390 or 415-703-2074 or 866-836-7825 (TTY), or send an e-mail to [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov).

## **8. Intervenor Compensation**

In accordance with Pub. Util. Code § 1804 (a)(1), which states: "In cases ... where new issues emerge subsequent to the time set for filing, the commission may determine an appropriate procedure for accepting new ... notices of intent," this Ruling allows any parties wishing to do so to file a new Notice of Intent to Claim Intervenor Compensation no later than September 27, 2019, 30 days after the second prehearing conference. New Notices of Intent so filed must comply with Pub. Util. Code §§ 1801-1812 and Rule 17.1 of the Commission's Rules of Practice and Procedure.

## **9. Service of Documents on Commissioners and Their Personal Advisors**

Rule 1.10 requires only electronic service on any person on the official service list, other than the AL).

When serving documents on Commissioners or their personal advisors, whether or not they are on the official service list, parties must only provide electronic service. Parties must NOT send hard copies of documents to Commissioners or their personal advisors unless specifically instructed to do so.

## **10. Assignment of Proceeding**

Marybel Batjer is the assigned commissioner and Sarah R. Thomas and Peter V. Allen are the assigned ALJs for this proceeding.

**IT IS RULED** that:

1. The scope of Phase 2 of this proceeding is described above.
2. The schedule of Phase 2 of this proceeding is as set forth above.
3. The category of this proceeding is ratesetting.

Dated September 18, 2019 at San Francisco, California.

/s/ MARYBEL BATJER

Marybel Batjer  
Assigned Commissioner